

Maximum Charges for Patient Records

Overview

In many but not all situations, a Minnesota law, [Minnesota Statutes, Section 144.292, Subd. 6](http://www.revisor.mn.gov/statutes/cite/144.292) (www.revisor.mn.gov/statutes/cite/144.292), sets the maximum amounts providers can charge patients or their representatives for retrieving and copying patient records. In situations where the law applies and there are no other laws, rules, or contracts that provide for lower maximum charges, **the maximum charges for patient records are shown in the table below.**

Note

Additional state and federal laws and regulations can impact how much a health care provider may charge for copies of patient records. Notable examples include laws and regulations that may apply to workers' compensation cases, as well as the federal HIPAA Privacy Rule. Additional brief information regarding these two examples follows the table below.

Whether fees may be charged for patient health records, and the amount of any fees, may vary based on the individual situation.

This summary is for general information purposes only and should not be regarded as legal advice. The Minnesota Department of Health (MDH) cannot give legal advice about the fees that patients or their representatives may be charged for copies of the patient's health record.

Maximum Charges for Patient Records

Use the table below when MS §144.292, Subd. 6 applies and there are no other laws, rules, or contracts that provide for lower maximum charges.

Situation/Scenario	Maximum Charges
A patient requests a copy of their record for purposes of reviewing current medical care.	The provider or provider's representative must not charge a fee.
Providing copies of records upon a patient's request pursuant to MS §144.292, Subd. 6 ...	<i>(see a-c below)</i>
a. For paper copies:	\$1 per page, plus \$10 for time spent retrieving and copying the records, with the following additional limits: <ol style="list-style-type: none"> (1) \$10 if there are no records available; (2) \$30 for copies of records of up to 25 pages; (3) \$50 for copies of records of up to 100 pages; (4) \$50, plus an additional 20 cents per page for pages 101 and above; or (5) \$500 for any request.

MAXIMUM CHARGES FOR PATIENT RECORDS

Situation/Scenario	Maximum Charges
b. For x-rays:	A total of \$30 for retrieving and reproducing x-rays.
c. For electronic copies:	A total of \$20 for retrieving the records.
Requests for records to appeal a denial of Social Security disability income or Social Security disability benefits.	A provider or its representative may charge only a \$10 retrieval fee and no other fees to provide copies of records if the request for copies of records is for purposes of appealing a denial of Social Security disability income or Social Security disability benefits.
<i>Special case</i> - Appealing a denial of Social Security disability income or Social Security disability benefits for patients receiving public assistance, represented by a civil legal services program, or represented by a volunteer attorney program based on indigency.	<p>No fees may be charged to provide copies of records requested if the request for copies of records is for purposes of appealing a denial of Social Security disability income or Social Security disability benefits when the patient is: receiving public assistance, represented by an attorney on behalf of a civil legal services program, or represented by a volunteer attorney program based on indigency.</p> <p>The patient or their representative must verify they are eligible to obtain their records without charge by providing required documentation. (See MS §144.292, Subd. 6(d) for more details.)</p>

Workers' Compensation Cases

Payment for copies of medical records that are part of a workers' compensation case that are required to be maintained in an electronic format is subject to [Minnesota Statutes, Section 176.135, Subd. 7](http://www.revisor.mn.gov/statutes/cite/176.135) (www.revisor.mn.gov/statutes/cite/176.135). Payment for copies of other medical records is subject to [Minnesota Rules, part 5219.0300](http://www.revisor.mn.gov/rules/5219.0300) (www.revisor.mn.gov/rules/5219.0300).

Federal HIPAA Privacy Rule

The federal HIPAA Privacy Rule covers patient access to records and includes prohibitions on retrieval fees and other restrictions. This rule is administered by the U.S. Department of Health and Human Services (HHS) Office of Civil Rights (OCR). You may contact the OCR at 1-800-368-1019; TDD: 1-800-537-7697.

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